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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,435	01/23/2004	Hisashi Kyotani	MM0805US (#90326)	6826
28672	7590	07/26/2005	EXAMINER	
D. PETER HOCHBERG CO. L.P.A. 1940 EAST 6TH STREET CLEVELAND, OH 44114			LAMB, BRENDA A	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,435

Applicant(s)

KYOTANI, HISASHI

Examiner

Brenda A. Lamb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claims 1-2, 5-7 and 11-13 are rejected under 35 U.S.C. 112, second paragraph. As being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "the angle adjusting passive section" and "the drive section" in claims 5-7 lack proper antecedent basis. The term "the movable body" at line 9 of claim 11 lacks proper antecedent basis. The recitation in claim 1 that the movable body moves along the processing line while the movable body is moving or while the movable body is stopped is confusing since it is unclear how the movable body moves along the processing yet is stopped.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ehrenleitner et al.

Ehrenleitner et al teaches a conveyance apparatus for a processing step comprising the following structural elements: a plurality of movable bodies or conveyance carriage 5 capable of traveling along a processing line; a processing liquid tank 2 located below the processing line; a conveyance drive device for causing the movable bodies to travel; an operating arm or tilting arm 50, 51 supported operably in a downward direction on the movable bodies; a supporting body held on the front end section of the operating arm rotatably about a rotating shaft, and supporting a conveyance object 4; an arm operating device or arm tilting device for operating the operating arm downward; and an angle adjusting device capable of adjusting the angle of the conveyance object by rotating the supporting body, wherein the operating arm or tilting arm is caused to operate downward by the arm operating device while the movable body is moved along the processing line by the conveyance device or while the movable body or conveyance carriage being moved along the processing line is stopped, the conveyance object supported on the supporting body is immersed in the processing liquid in the processing liquid tank, and the supporting body is rotated by means of the angle adjusting device. Ehrenleitner et al angle adjusting device is capable of controlling the angle of the conveyance object upon introduction into the processing liquid, the angle thereof during processing in the processing liquid, and the angle thereof upon removal from the processing liquid depending on the shape of the conveyance object (see column 6 lines 43-53). Thus Ehrenleitner et al appears to teach each of the structural elements of the conveyance apparatus set forth in claims 3 and 11. With respect to claim 4, Ehrenleitner et al appears to teach the arm operating

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device comprises a drive section 54, 55 located in the vicinity of the processing liquid tank; and a passive section provided on the movable body or conveyance carriage operating the operating arm downward by means of the drive section.

Claims 5-7, 12-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-2 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication should be directed to Brenda A Lamb at telephone number (571) 272-1231. The examiner can normally be reached on Monday and Wednesday thru Friday with alternate Tuesdays off.

Brenda A. Lamb/af

June 29, 2005


BRENDA A. LAMB
PRIMARY EXAMINER